



**MIDDLEBURG TOWN COUNCIL**  
**Regular Monthly Meeting Minutes**  
**Thursday, February 9, 2017**



**PRESENT:** Mayor Betsy A. Davis  
Vice Mayor Darlene Kirk  
Councilmember J. Kevin Daly  
Councilmember Kevin Hazard  
Councilmember Peter Leonard-Morgan  
Councilmember Trowbridge "Bridge" Littleton  
Councilmember Philip Miller  
Councilmember Mark T. Snyder

**STAFF:** Martha Mason Semmes, Town Administrator  
Angela K. Plowman, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
Ashley M. Bott, Town Treasurer  
Cindy C. Pearson, Economic Development Coordinator  
A.J. Panebianco, Chief of Police

The Town Council of the Town of Middleburg, Virginia held their regular monthly meeting, beginning at 6:00 p.m. on Thursday, February 9, 2017 in the Town Hall Council Chambers, located at 10 W. Marshall Street. Mayor Davis led Council and those attending in the Pledge of Allegiance.

**Public Comment**

Catherine Murdock, a Town resident, reported that a public input session would be held on February 16<sup>th</sup> by Loudoun County to examine whether they should cancel permits for kennels. She explained that the County wanted to issue dog licenses for every dog in Loudoun County. Ms. Murdock opined that this was fine for house pets; however, it would be devastating when it came to fox hunting. She provided the Council with a copy of an email she sent to the County and a letter from the Master Foxhounds of Piedmont. Ms. Murdock advised that for many years, the County issued group licenses; however, they refused to do so this year and insisted on individual licenses at a cost of ten dollars each. She reported that it was a financial and administrative burden for a hunt club, which was a non-profit organization, to file for one hundred twenty licenses each year. Ms. Murdock noted that the Master Foxhounds' hounds were tattooed and recorded. Ms. Murdock reminded Council that Middleburg was the center of fox hunting in America and was important to Christmas in Middleburg. She further reminded them that the Members of Foxhounds Association had moved their headquarters to Middleburg. Ms. Murdock advised Council that the Middleburg Hunt had eighty hounds and Piedmont had one hundred twenty. She urged the Mayor and Council to write a letter explaining that Middleburg was the heart of foxhunting and expressing an understanding that the County wanted to keep track of every dog but to ask them to please not loop kennels into that situation.

Punkin Lee, a business owner in town and President of the Middleburg Business & Professional Association, noted that the majority of the MBPA Board was present. She reported that they have been meeting weekly to discuss the building vacancies, bad publicity and the misconceptions of why the buildings were empty. Ms. Lee advised that they continued their weekly Facebook and Twitter posts to tell people that Middleburg was still here and urging people to come. She reported that after their first Bizz Buzz, they would survey their members to ask for their concerns and suggestions. Ms. Lee explained that they were conducting research so they would have positive facts.

Ms. Lee noted that Councilmember Littleton had joined them the last two weeks and reported on what the Town was doing. She suggested the need to work together. Ms. Lee noted that they had someone come to one of their meetings who worked with landlords and opined that there was a lot to learn. She advised that based on conversations with Councilmember Littleton, they have concluded that there was a need to create a task force consisting of members of their Board, EDAC and the Council, and to hire a facilitator who could help them pinpoint the problems. Ms. Lee opined that everyone had an idea of what the problems were and suggested there have been enough studies. She promised that the MBPA would commit to following this to the end. Ms. Lee noted that the Town would soon bring on an Economic Development Coordinator. She reiterated that the MBPA would support their part of this financially and was not looking for the Town to do it all.

Deltone Moore, owner of the Popcorn Monkey, advised Council that as a business owner, he had concerns about the empty buildings and the perceived negative publicity. He expressed hope that the boards could work together to accelerate the economic development process. Mr. Moore opined that there were a lot of perceptions as to what the problems were. He advised that what brought him here was what kept him here. Mr. Moore expressed hope that everyone would come together as a team to focus on what could be done, rather than what could not. He advised that he was willing to help as much as he could as he liked where his business was located.

**Public Hearing**

**Zoning Text Amendment 17-01 – Floodplain Overlay District Regulations**

Town Administrator Semmes reminded Council that the new floodplain map was previously adopted by reference and noted that now that a decision had been made on the final version, FEMA was requiring the Town to insert its actual date into the ordinance. She further reminded Council that this ordinance allowed the town’s residents to be eligible for flood insurance if their properties were located in the floodplain.

No one spoke and the public hearing was closed.

**Action Items related to Public Hearings**

**Zoning Text Amendment 17-01- Floodplain Overlay District Regulations**

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that Council adopt an ordinance to amend Article XVII, Part II of the Middleburg Zoning Ordinance pertaining to floodplain overlay district regulations.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis only votes in the case of a tie.)

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**Addition of Item to the Agenda**

*Vice Mayor Kirk moved, seconded by Councilmember Snyder, that Council add item XI(C)(Council Approval – FY '17 Budget Amendments) to the agenda.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder  
No – N/A  
Abstain: N/A  
Absent: N/A  
(Mayor Davis only votes in the case of a tie.)

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**Special Recognitions by Mayor and Council**

Council Approval – Resolution of Appreciation – Angela K. Plowman

*Councilmember Daly moved, seconded by Vice Mayor Kirk, that Council adopt a resolution extending its appreciation to Angela K. Plowman for her service as Town Attorney from March 22, 2012 through February 9, 2017.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder  
No – N/A  
Abstain: N/A  
Absent: N/A  
(Mayor Davis only votes in the case of a tie.)

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Mayor Davis read the resolution aloud. She presented a signed copy to Ms. Plowman, along with a Middleburg paper weight, and thanked her for her service.

**Approval of Minutes**

*Councilmember Snyder moved, seconded by Vice Mayor Kirk, that the Council approve the January 12, 2017 Regular Meeting and January 26, 2017 Work Session Meeting Minutes as amended.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder  
No – N/A  
Abstain: N/A  
Absent: N/A  
(Mayor Davis only votes in the case of a tie.)

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**Staff Reports**

Mayor Davis noted that the utilities monthly report indicated that IES was working on some high water bill issues. She questioned whether they were resolved. **Stuart Will, of IES**, reported that there were leaks in two of the cases. He further reported that they were looking at some of the meters on a weekly basis to see if they were leaking. Mr. Will advised that, if they were, he would make the homeowner aware of it. He explained that he was working with the homeowners to help them understand that the water was going through the meter and down the drain.

Vice Mayor Kirk inquired as to the location of these meters and noted that she saw digging on a Chestnut Street property. Mr. Will reported that one was on Blue Ridge Avenue. He noted that the digging on Chestnut Street was the homeowner replacing the sewer lateral.

**Town Administrator Semmes** noted that she recently received the 2017 real estate assessments and reported that overall, Middleburg’s taxable real estate values went up 3.51%. She noted that she would share more information with the Council as part of the budget process during the work session.

Vice Mayor Kirk noted that the Facilities & Maintenance Supervisor mentioned something about getting a plow for the front of his truck so he could help with snow removal.

Town Administrator Semmes reported that he would have to get a new truck as his current one was not heavy duty enough for snow plowing. She noted that she would be happy to discuss this with Vice Mayor Kirk. Ms. Semmes reminded Council that, when she first came to work for Middleburg, the Town got rid of its snow plow. She advised that there were financial issues associated with plowing, such as the increased cost for insurance for that employee. Ms. Semmes suggested the need to talk with the Facilities & Maintenance Supervisor further. She noted that he currently supervised the plowing operations. Ms. Semmes suggested the Council could consider whether this made sense as a part of the budget process.

Vice Mayor Kirk inquired as to which departments were due for a new vehicle in the coming budget. Town Administrator Semmes reported that none were and advised that the Facilities & Maintenance Supervisor's vehicle was scheduled for replacement the following year. Chief Panebianco reminded Council that the Town's insurance took care of what needed to be replaced for the next several years. He noted that the Council must decide whether it wanted to cycle the vehicles out early with no mileage or replace them all at once. Chief Panebianco questioned whether they wanted to figure out a way to stagger the replacements and reiterated that, with the exception of one, the current vehicles were all purchased on the same day due to hail damage. He opined that all of them would cycle out within a year of each other. Chief Panebianco suggested the need to decide, in the near future, what could be done to create a gap.

Councilmember Hazard questioned whether an RFP was put out for the consulting service for the Asbury Church. Town Administrator Semmes confirmed it was not and advised that she had a letter of agreement with Jane Covington for temporary consulting services to determine whether the Town should pursue tax credits. She noted that she was also working on biohazard removal from the structure.

Councilmember Hazard questioned whether the biohazard removal was part of the tax credit. Town Administrator Semmes confirmed it was not. She explained that it must be done before the restoration workers could get into the building.

Councilmember Hazard expressed an understanding of the need to do it; however, he noted that doing it as a single item was more expensive than if it was done as a part of the large project.

Town Administrator Semmes noted that a contract had not yet been approved and suggested she look at this.

Councilmember Snyder suggested the Town Administrator get Councilmember Hazard involved in determining what a "bitable chunk" was to start with and to make a recommendation on how to proceed. He advised that he would like to save money where possible.

Town Administrator Semmes noted that she did not know how much the hazardous removal would cost. She reminded Council that the budget contained \$100,000 for the stabilization and questioned the percentage that could be used for biohazard removal. Ms. Semmes suggested that if the Town could save ten or fifteen percent by including this in the overall bid, it should do so.

Councilmember Hazard questioned whether a list of items had been developed for what needed to be done and suggested the hazardous removal be included as a part of that project. Town Administrator Semmes confirmed she had a stabilization plan.

Councilmember Miller questioned whether the Town had an end plan for the building. He further questioned whether the Town was restoring something that could become a liability.

Town Administrator Semmes noted that a previous Council decided to stabilize the building on the outside in order to preserve it. She further noted that they polled the community to get ideas for its use. Ms. Semmes reported that there was a good bit of community interest in using it as a meeting space. She further reported that A Place To Be expressed an interest in it. Ms. Semmes advised that the Council was not interested in committing to doing anything with the building at that time; however, it did not want it to deteriorate further. She explained that the previous Council agreed to do the immediate work to stabilize the building and then decide what to do with it later.

Councilmember Littleton noted that a Council, prior to July 1, 2016, wanted to stabilize the building so it would not deteriorate further; however, it was now eight months later and the Town was just now looking at getting a stabilization plan. He questioned whether any work had been done.

Town Administrator Semmes reported that the stabilization plan was done and then the Town experienced the hail storm. She advised that she thought there was no point in doing the roof until the Town did the rest of the project. Ms. Semmes explained that she was waiting for the insurance reimbursement so the Town would have the money.

Councilmember Littleton noted that the Town had \$100,000 set aside for the project. He further noted that the delay had nothing to do with the insurance proceeds. Mr. Littleton reported that people have recently come to him to complain about the tattered tarps on the roof and noted that the building looked like a “shanty town”. He further noted that the tarps have been in place for a year and questioned how the Town could not have gotten the roof fixed in a year.

Town Administrator Semmes advised Council that the roof was patched and the tarps were put on in June. She noted that she had asked the Facilities & Maintenance Supervisor if he could have the roofing contractor look at it and place a new tarp on it. Ms. Semmes reported that he was first going to get Piedmont to replace it; however, they did not respond. She further reported that Belfor brought in a sample material, which they were recommending, that could be applied to the roof in order to temporarily water proof it. Ms. Semmes advised that she was getting a proposal to do that work this week, as opposed to putting another tarp on the roof.

Councilmember Hazard noted that the Town has owned the Asbury Church for a number of years. He further noted that a year ago, the Council looked at and said that “all they wanted to do was stabilize it because the back was about to fall out”. Mr. Hazard suggested the need to get that work done and advised that if the Town did not spend the money, the building would be worthless. He noted that once the work was done, the Town could then sell the building to a working entity or reconsider whether it wanted to use it for town purposes. Mr. Hazard noted that the Council put money in the budget to get the building stabilized.

Councilmember Miller questioned when the \$100,000 was allocated. Town Administrator Semmes reported that it was allocated as of July 1, 2016.

Vice Mayor Kirk noted that the staff only had four more months to spend the money.

Town Administrator Semmes advised Council that she would move forward with seeking bids for the project that has been designed and would wrap the hazardous material removal into that project.

Councilmember Snyder noted that when the Town acquired this building, it was in an extremely distressed condition and opined that it had gotten worse. He noted that the Town was trying to prevent buildings in the Historic District from being demolished by neglect, which was where this building

was starting to fit. Mr. Snyder further noted that the Town decided to take on the stabilization. He advised that the Council agreed to complete the stabilization before it would agree to a subsequent phase of work or action as appropriate.

Councilmember Littleton expressed concern about the public perception that the Town was raising concerns with building owners in the Historic District about keeping up with their buildings when the Town could not do so with the one building it had owned for a number of years. He opined that the shredded tarp would only take two hours to replace. Mr. Littleton noted that this was not about the water, but was about the appearance that the Town was not paying attention to a building that it owned. He advised that he was glad this project was on the action tracker and noted that it indicated the project would be completed by April 3<sup>rd</sup>. Mr. Littleton questioned whether the staff believed that all of the biohazard removal would be completed by April 3. He further questioned whether the staff believed the project would be finished by the end of the year. Town Administrator Semmes expressed hope to have the stabilization work done this summer; however, she noted that it was a matter of how fast the bid could be put out and the work done.

Councilmember Littleton questioned what else needed to be done to get the RFP out. He further questioned what was holding the Town up from getting it out tomorrow. Town Administrator Semmes advised that she just needed to write it.

Councilmember Littleton questioned whether it was reasonable to say the RFP would be issued in two weeks so people could bid on it and asked that this be placed on the Action Tracker.

Councilmember Miller noted that the new members of Council did not know about this. He advised that he was all for saving and preserving the building and for not allowing it to be demolished by neglect. Mr. Miller expressed hope that while this project was being completed, the Town could put together a plan for what it wanted to do with the building. He noted that even though the building was being repaired, it was getting older. Mr. Miller suggested the need for a plan.

Councilmember Littleton suggested the Council look at this during the visioning session. Vice Mayor Kirk noted that the plan was listed on the Action Tracker for completion by June 1. Councilmember Littleton opined that the project should start on April 1 and be finished by June 1. Town Administrator Semmes noted that the plan would then be reflected in the upcoming budget.

Councilmember Hazard asked that the Town Administrator send a copy of the stabilization plan to the members of Council. Town Administrator Semmes confirmed she would. She noted that she also had a few background memos that the Council may find helpful.

Councilmember Miller questioned whether the Mt. Defiance utility extension request had fallen through. Town Administrator Semmes confirmed it had and noted that it would cost too much money. She reported that their engineer looked at both ways to connect to the Town's sewer system and advised that the cost was over \$150,000. Councilmember Littleton noted that the cost of a drain field was only \$20,000.

**Town Clerk North** noted that the Council had a copy of the new Action Tracker. She advised that Councilmember Littleton worked with her to get this document together. Ms. North questioned whether there were any projects that the Council wished to add to the list. She further questioned whether she was on the right track with what was provided. Ms. North advised that some of the dates included were a little "shaky" as she did not have an exact date when some things started. She further advised that there may not have been proposed completion dates assigned for some of the older projects. Ms. North opined that as new items were added, she would have accurate start and projected completion dates so it would be more accurate than some of the items currently were.

Councilmember Daly questioned the unit of measurement for completion and noted that that column included the word “auto”. Councilmember Littleton explained that the reference to “Auto” in the heading was to highlight for the writer that this was automatically calculated so they should not put something in the cell that would erase the formula. He advised Council that he was thinking of using SharePoint to make the file available as this was a Windows based product, which can be embedded into the functionality of SharePoint. Mr. Littleton noted that it would be a closed system, available internally only, with the Town setting up permissions on what could be seen by certain people. He advised Council that this was live data; therefore, two people could be in it and change it at the same time.

Councilmember Miller opined that this system would be great for the electronic agendas.

Councilmember Littleton advised Council that he would provide more information later in the meeting. He noted that SharePoint could be completely closed so it would be in its own environment, with only authorized people getting into it.

Councilmember Littleton questioned whether Belfor had started work on the hail damage repairs. Town Administrator Semmes reported that they completed the installation of the shingles on the Town Shop and would move to the Health Center next week.

Councilmember Littleton noted the need to update the box related to the MOA as the staff had received the Foundation’s comments. He expressed appreciation to the staff for taking the time to do the tracker and expressed hope that it would help the Council to keep the projects straight.

Vice Mayor Kirk suggested the item raised by Ms. Lee should be added to the list. Councilmember Littleton opined that it should not and noted that he planned to raise it under “Discussion Items”.

Councilmember Miller noted the item for electronic agendas. He asked that this be placed on a work session to discuss what the Council hoped to gain from such a system so it could incorporate all of the Council’s demands.

Councilmember Hazard questioned whether a column should be added to the action tracker to identify priorities. He noted that there were twenty items on the list and suggested they be prioritized. Town Administrator Semmes opined that the Council would prioritize them during its retreat. Councilmember Miller opined that there would be prioritized and then long-term items.

Councilmember Snyder noted that there was not a number on the tracker. Councilmember Littleton agreed to add a field to automatically generate the next item number.

Councilmember Miller questioned whether an item should be added to the tracker related to the County sidewalk grant for which the Town applied. Town Administrator Semmes reminded Council that the Town asked the County to identify this as a CIP project.

Councilmember Littleton opined that the action tracker should be used for things that were on-going, were live and were project-oriented.

Town Administrator Semmes suggested that if the Town received the County grant, then the sidewalk project would be added to the list.

Councilmember Littleton opined that the Council would figure out what should be on the tracker as it went along.

**Economic Development Coordinator Pearson** reminded Council that she previously reported that the Virginia Commission for the Arts Grant would total \$4,500. She reported that she was notified that the Town would receive \$5,000 this year. Ms. Pearson noted that the Council must decide how to use it.

Councilmember Miller noted that he liked the social media report, including the visuals. He questioned whether the agency could identify where people lived. Mr. Miller opined that having that information would help to identify the message that needed to be crafted and suggested it would be mostly public safety messages if the audience was from Middleburg and tourism messages if it was talking to people from outside of Middleburg.

Economic Development Coordinator Pearson opined that this information could be provided. She noted that the contract for this service only began in mid-January.

Councilmember Miller advised the Economic Development Coordinator that he had some Health Center items that he would like to go over with her later.

Councilmember Leonard-Morgan noted the Economic Development Coordinator's question about contributing to the doctor's carpet repair bills. Economic Development Coordinator Pearson questioned whether this was something that should go to the Council or to the Health Center Advisory Board. Vice Mayor Kirk noted that it was ultimately a Council decision; however, she suggested it be sent to the Committee first for a recommendation.

**Town Treasurer Bott** reported that she recently attended a meeting with other treasurer's in Leesburg, in anticipation of an upcoming meeting with the County, to detail what would be discussed. She noted that this idea was in the early stages and that there was a desire to see if there was a consensus that this was something that should continue to be investigated. Ms. Bott advised that she found value in it and explained that it was mostly from the standpoint of productivity. She reminded Council that the County already had the tax information and noted that she spent time converting it into a format for the Town's financial software. Ms. Bott opined that this was a waste of Town resources if it could be combined, freeing up her time to spend elsewhere. She noted that she would still be available to help residents if they had any questions; however, the billing would occur at the County level if everyone could agree to the terms.

Councilmember Miller agreed the Town should pursue this as long as the Treasurer was happy and it would not cost much. Town Treasurer Bott noted that the latter was the question.

Mayor Davis inquired as to how much information the Town would lose and how quickly it would get its money. Town Treasurer Bott noted that these were all items that have to be considered. She further noted the need to look at the advantages and disadvantages. Ms. Bott advised Council that the County was open to this; however, they did not want each town to ask for different things.

Councilmember Snyder questioned whether the goal was to have standardized reporting. Town Treasurer Bott confirmed it was, but it was also to have a unified bill for the residents. She explained that, as proposed, the County would bill, collect and remit the taxes to the Town, minus an administrative fee. Ms. Bott noted that the Town received a lot of calls about tax bills when, in reality, they were County bills. She opined that this system would help ease the confusion for the taxpayer. Ms. Bott reminded Council that multiple people were currently touching the same information, with the County generating it and then passing it onto the towns to input into their systems.

Councilmember Snyder advised that he would be interested in the fee the County would propose. He further advised that the level of effort required to implement it and the administration fees would be critical to him.

Town Treasurer Bott opined that such a system may not happen at all due to the fee. She noted, however, that nothing could occur unless they first talked about it. She advised that if it would not work, she would continue to handle the billing as she was currently doing.

Councilmember Hazard noted that the Town currently had autonomy for taxes. He questioned how the tax rates would be set if the Town transferred this function to the County. Town Treasurer Bott confirmed the Council would still set the Town's rates.

Councilmember Littleton noted that this would involve the administrative processing of the billing. He suggested the agreement must say the Town could opt out at any time.

Town Treasurer Bott advised Council that the only thing that would change would be the Town would need to adjust its budget schedule to align with the County's and noted that she did not see an issue with that. She reiterated that the Town would need to change its budget timing to set the tax rates by April 1. Ms. Bott opined that if the system could work and was reasonably priced, this would be great. Town Administrator Semmes noted that it would be customer friendly.

Councilmember Snyder questioned how time consuming the billing was at the moment. Town Treasurer Bott advised that it was difficult to quantitate as she just started work for the Town last year; therefore, this was her first billing cycle. She noted that the Town was also implementing new software. Ms. Bott advised that the process was currently extensive.

Councilmember Snyder questioned the amount of effort currently being expended to investigate such a system. Town Treasurer Bott noted that she had attended a couple of meetings. She advised that the time commitment was still trivial.

Councilmember Littleton noted that organizations everywhere were doing business process outsourcing. He further noted the need for an agreement. Mr. Littleton agreed this was an area that was maximized as one entity was doing one thing for many people and noted that it was efficient.

Town Treasurer Bott noted that if the Town did not go with a system with the County, it could look at other vendors. She reported that Fairfax County was doing this and advised that it had proved to be successful. Ms. Bott advised that this would come down to a matter of cost.

Town Attorney Plowman questioned whether the Towns of Clifton, Vienna and Herndon used the system. Town Treasurer Bott confirmed they did.

**Chief of Police Panebianco** reported that Middleburg appeared to be surrounded by a rash of burglaries and stressed that these were not robberies. He further reported that they were mostly occurring in homes that were not located in neighborhoods. Chief Panebianco advised Council that the Police Department was working with Loudoun County and had provided them with information that may be fruitful. He advised that Lieutenant Prince was also assisting with the look-ups for items that have been taken to see if they showed up elsewhere. Chief Panebianco noted that he could not offer more of an explanation than that. He reiterated that the Police Department was working closely with Loudoun County even though nothing had occurred within the Town limits.

Councilmember Leonard-Morgan inquired as to the closest burglary to Middleburg. Chief Panebianco reported that it was the Cobb House, which was approximately two miles away. He advised the Council that they may notice a police vehicle parked in different areas of the town and noted that someone called earlier in the day because they noticed a white vehicle, which was Lieutenant Prince. Chief Panebianco reported that the officers were also doing foot patrols at night. He expressed hope that this would give the citizens some comfort that the Police Department was taking extra steps to help protect them. Chief Panebianco noted that they were promoting safety tips on their webpage,

which he hoped would prevent someone's home from being burglarized. He advised that thus far, the burglaries appear to have occurred when no one was home; however, he did not have information on all of the cases as they have occurred in both Fauquier and Loudoun Counties.

Chief Panebianco reported that he participated in emergency drills at the Middleburg Charter School and advised that he had a close working relationship with their staff. He opined that if they must respond to something that was not an emergency, the kids would not be afraid when an officer walked in the door. Chief Panebianco advised that they tried to keep a level of familiarity with both schools in the community.

Chief Panebianco noted that he provided a fee schedule comparison with his monthly report and advised that he would like direction on that. He advised that he was under the impression that the Council wanted to look at what other communities charged and noted that information was provided for three other communities. Chief Panebianco noted that in another conversation he understood that the staff was supposed to come up with a recommended fee schedule and advised that he would prefer not to do that since the Police Department handled the enforcement. He advised that he would prefer to have direction from the Council and that they set the fees. Chief Panebianco noted that he polled Purcellville, Leesburg and Culpeper. He advised that only one had escalating fines for multiple offenders and opined that the fine stayed at the escalated rate. Chief Panebianco noted that he did not know whether the Council wanted to offer a re-set of the escalating fines and advised that this was up to them.

Councilmembers Miller and Snyder agreed. Councilmember Snyder noted that setting the fees was a Council responsibility. He suggested the need to keep the Town friendly, but to have fines that were effective enough to accomplish the goals. Vice Mayor Kirk suggested the need to get Middleburg's fees as well.

Town Clerk North reported that this item was scheduled for discussion during Council's work session. She further reported that she and Councilmember Daly were working on developing a fee recommendation.

Councilmember Daly noted that the main reason for the comparison was to determine what other towns were doing. He reminded Council that there were also safety violations and questioned whether the fine should be proportion to the violation. Mr. Daly opined that parking in front of a fire hydrant or in the way of a fire truck was more onerous than overtime parking and suggested the fines should be proportional to the offense.

Chief Panebianco noted that most of the safety violations in the surveyed communities had higher fines, whereas Middleburg's were mostly \$30 or \$50. He reminded Council that a lot of offenses were listed as "other violations" as there was not enough room on the tickets to print them all. Chief Panebianco noted that they were all set at \$30.

Councilmember Daly reminded Council that this was scheduled for discussion during the work session. He noted that he and the Town Clerk would meet next week to formulate his recommendation.

Councilmember Littleton noted that the automated parking enforcement system was listed on the action tracker as having been selected and ready to go by May 1. He questioned whether the staff was comfortable with that date. Chief Panebianco advised Council that he had submitted his recommendation and was comfortable saying it could be purchased immediately.

Councilmember Littleton noted that this was a team effort and advised that everyone involved was responsible for coming together and getting this implemented by May 1.

Chief Panebianco advised that he was not sure it could be implemented by May 1 and explained that the selected vendor must build the system as the software would be custom built. He further noted the need to identify what was needed. Chief Panebianco noted that the fines would be included in the software design; therefore, the fines must be decided in order to implement the system. He advised that it was his understanding that the system would be functioning thirty days after the Town entered into an agreement with the vendor. Chief Panebianco noted that the staff must then learn it. He opined that it would be forty-five days from when the Council issued the notice to proceed before the Town could start issuing citations.

Vice Mayor Kirk suggested the date be left as is and noted that the staff was still waiting to hear from the DMV. She opined that this date should be when the Town's information went to the vendors.

Chief Panebianco reiterated the need to identify the fine.

Councilmember Littleton questioned whether the staff all worked together to identify the May 1<sup>st</sup> date. He asked that, in the future, when multiple staff members must work together that they all coordinate and be in agreement. Mr. Littleton noted that the Chief was listed as being responsible for this project.

Chief Panebianco noted that this was the first time he knew his name was listed on the action tracker as being responsible for this item.

Councilmember Littleton acknowledged that the staff would learn as it went along. He noted the need for the staff to look at the tracker. He advised that when the Council went down this list, they would ask whoever's name was assigned to an item for an update.

Town Administrator Semmes noted that the difficulty with this item was that it was a team effort; however, only one name could be put on the tracker.

Chief Panebianco advised that he did not mind being assigned responsibility for this item; however, he questioned the point at which the staff should quit waiting for information and act. Town Administrator Semmes suggested this was something the staff must work out, not the Council.

Vice Mayor Kirk asked that the staff let the Council know if they were dragging on anything. Chief Panebianco advised that in this case, it was the DMV.

**Town Attorney Plowman** reported that the boundary line adjustment moved along at a record pace from January 11<sup>th</sup>. She advised that from September to the end of December, there was little responsiveness from the Assistant County Attorney; however, the process was completed in two or three weeks due to a communication from the County Administrator. Ms. Plowman noted that the Assistant County Attorney did apologize and took responsibility for the delay.

Town Administrator Semmes reported that she and Town Attorney Plowman have spoken about this and suggested the need for follow-up with the County to streamline the process for the future. She advised that the project was not adversely affected by the delay.

Town Attorney Plowman noted that she was able to get the boundary line adjustment on the court docket in two days. She advised that the adjustment was not a priority for the County, even though it was for the Town. Ms. Plowman explained that even though the Town conveyed how urgent this was last January, this urgency was not recognized until December.

Town Attorney Plowman thanked the Mayor, Council and Town Administrator for the opportunity to serve as Middleburg's Town Attorney for the last five years. She advised that she would continue to come to Middleburg on social visits. Ms. Plowman noted that when she looked over her legal career, these years would be a highlight. She advised that she would always remember working with the Mayor, Council and staff. Ms. Plowman further advised that she was treated with respect, felt appreciated and felt she was a part of Middleburg.

**Reports of Town Committees/Council Liaisons**

Vice Mayor Kirk reported that she, the Town Administrator and Economic Development Coordinator met regarding the new economic development position. She further reported that the plan was to have it advertised in two weeks. She expressed hope to get it out quickly in order to get someone with experience on board so the current Economic Development Coordinator could work with them. Ms. Kirk noted that there was also talk of bringing on some front office staff to help the Town Treasurer with the billing.

Town Administrator Semmes advised Council that she could post the economic development position in the morning. She reported that the FY '18 budget proposal would identify what the front staff office position would be and the proposed salary.

**Action Items** (non-public hearing related)

**Council Approval** – EDAC Special Events Funding Recommendation

*Vice Mayor Kirk moved, seconded by Councilmember Daly, that Council accept the recommendations of the Economic Development Advisory Committee related to requests received from the National Sporting Library & Museum and Bluemont.*

Councilmember Snyder noted that the VCA grant total was \$5,000; however, it appeared that the recommendation only covered \$2,250. He questioned whether this was correct. Mr. Snyder opined that Bluemont was being moved into a different category.

Economic Development Coordinator Pearson reminded Council that they decided to fund the National Sporting Library's request from the Economic Development funds and to fund Bluemont in another way.

Mayor Davis questioned whether \$2,250 of the donation would be from the grant, with the Town matching that. Economic Development Coordinator Pearson reported that the amount could be increased to \$2,500 as the Town's grant amount had increased. She noted that she told the National Sporting Library that the grant amount was only \$4,500.

*Vice Mayor Kirk agreed to amend the motion to approve the donation to the National Sporting Library in the amount of \$5,000 in total.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton and Miller

No – N/A

Abstain: Councilmember Snyder

Absent: N/A

(Mayor Davis only votes in the case of a tie.)

(on motion as amended)

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Council Approval – Release of Private Street Maintenance Bond – Steeplechase Run

*Vice Mayor Kirk moved, seconded by Councilmember Daly, that Council approve the full release of the maintenance bond, in the amount of \$11,000, to RSB Builders, Inc., held for the maintenance of a private street in Steeplechase Run.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis only votes in the case of a tie.)

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Council Approval – FY '17 Budget Amendments

Town Administrator Semmes noted that there were two amendments included in what was before the Council. She advised that the first dealt with the proposal to hire a Business & Economic Development Director. Ms. Semmes noted that she researched salaries for similar positions and advised that the starting salary that would be advertised would be between \$70,000-80,000. She noted the position description and advised that it was recommended that the individual have a Bachelor's degree with five to ten years of experience. Ms. Semmes explained that the budget amendment was proposed so the Town could hire someone, with two months of salary and benefits occurring this fiscal year at the maximum salary.

Councilmember Snyder questioned whether this would be a new position. Town Administrator Semmes explained that it would be a transitional one. Councilmember Littleton explained that the proposal was to upgrade an existing position.

Town Administrator Semmes noted the desire for an overlap with Ms. Pearson so there could be an exchange of information. She reported that she had talked with representatives from the MBPA and EDAC, who want to be proactive in economic development.

*Vice Mayor Kirk moved, seconded by Councilmember Miller, that Council approve the interim budget amendments detailed in the staff report dated February 9, 2017, totaling \$26,000. Vice Mayor Kirk further moved, seconded by Councilmember Miller, that the Town Administrator be directed to proceed with the hiring of a new Economic & Business Development Director and sign a contract with Cowgill Property Management for the management of the Health Center.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis only votes in the case of a tie.)

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**Discussion Items**

Report – 2016 Christmas in Middleburg

Mayor Davis noted that Mr. Herbert could not attend this meeting; however, he provided a copy of his written report. She advised that he would attend a future meeting and suggested the members read his report and prepare any questions they may have for him.

### Special Events Process/Budget Review

Economic Development Coordinator Pearson reminded Council that a previous Council asked that special event funding be broken out in the budget by line item so they could see where the funds were going. She further reminded them that the budget contained a line item (Other Special Events) for new events or small items, such as the Middleburg Concert Series, where the hope was that the organization would not need Town funds in the future.

Mayor Davis advised Council that the reason the former Council put specific events as line items in the budget was that the Council felt those events had proven themselves; therefore, they were well behind them as an annual event. She explained that the previous Council wanted to make sure these line items showed in the budget so that future Council's would know they were important. Ms. Davis suggested the Council could run down the main stay items every year and ask for their balance sheets so they could review them. She asked that all of the items not be placed in the same line item, with each organization having to start from scratch. Ms. Davis opined that, when reading the last meeting minutes, the Council did not seem to understand why the current system existed. She explained that the purpose of having a generic line item was so the Town could encourage people with new event ideas to come to the Town for seed money, with the idea being that the event would eventually become self-sustaining. Ms. Davis noted that this was why the line items were in the budget as they were and advised that she would hate to see this change. She opined that it was fine to do an annual review and have the organizations submit a budget request, along with a description of what they have done.

After considerable discussion, the Council agreed to ask EDAC to review all funding requests and to provide Council with its recommendation, as well as any suggestions they may have for improving cultural only events so they could also have an economic development component. The Council further agreed to leave the budget as-is for now.

Councilmember Leonard-Morgan questioned where the Town was with the tourism zone. EDAC Chair Vincent Bataoel reported that EDAC was analyzing the practical application of the enabling legislation. He reported that, so far, the consensus was that this would be best used for a particular application to get a project that needed help to get off the ground.

### Wayfinding and Parking Sign Colors

Town Administrator Semmes noted that the staff had some color samples for their review. She reported that the Town found out that the dark green that was previously selected could not be used as it was too close to black, which VDOT reserved for itself. Ms. Semmes advised that VDOT had indicated that it was okay with either of the proposed colors. She presented the two samples (Jasper and Rock Garden) that were proposed. Ms. Semmes noted that the samples also showed different gold colors. She advised that the 23 carat gold, which was on the existing Salamander sign, was too bright when the sun was reflecting on it. Ms. Semmes noted that the signs must be reflective.

Councilmember Miller noted that the Council was looking at the colors for an outdoor sign while inside in artificial light. After some discussion, the Council agreed to return to the Town Office to look at the colors outside. A general preference for the top left colors was expressed by some members.

Councilmember Hazard questioned the timeline for installing the signs. Town Administrator Semmes advised that she would like to put them out for bid. She reminded Council that the final design plans were before VDOT. Ms. Semmes opined that once the colors were selected, she could put out a bid package. She advised that she would like to get the signs installed over the next few months.

Councilmember Snyder suggested the Council have until the close of business on Monday to view the colors both in the sunlight and at dusk. Town Administrator Semmes agreed to leave the sample board in the back parking lot.

Councilmember Hazard asked that the RFP include a provision that a mock-up would be done before the signs were produced for the Council's review. He noted that the Council did not have a mock-up for the streetlights and suggested this was a lesson learned. Mr. Hazard advised that even if there was a difference in the two colors, there would be no difference in cost proposals as that would be based on the signs' sizes and lettering, not the colors. He suggested the mock-up could be two-sided to show both colors. Mr. Hazard further suggested it be installed on a post outside for the Council's review. Town Administrator Semmes agreed to put this requirement in the bid documents. She noted that the Town must obtain a permit for the signs and advised that it could put the colors on that permit application.

#### Review of Employee Handbook Chapters 1, 2 & 3

Vice Mayor Kirk suggested the new Town Attorney review the proposed changes before the Council discussed them as they have a person on staff that did that. The remainder of Council agreed.

#### Council Visioning/Strategic Plan Session

Town Administrator Semmes noted that she distributed the agenda that Mike Chandler proposed for the retreat. She reminded Council that the Town had not yet signed a contract with him. Ms. Semmes suggested the members review the proposal to see if they would like to make any changes. She reported that a conference room had been reserved at the Salamander Inn for the retreat.

Councilmember Daly questioned whether the members would leave and go home during the breaks. Town Administrator Semmes advised Council that their meals/breaks would be served at the resort.

Town Administrator Semmes noted that Mr. Chandler indicated the retreat would start at 5:30 p.m.; however, the agenda listed it as 5:00 p.m. She questioned whether the Council had an issue with a 5:00 p.m. starting time. The Council agreed to the time schedule as proposed.

Councilmember Littleton noted that he was not sure what was meant by "conducting town business: an introspective view" on the agenda. He questioned what was meant by an "issue audit". Town Administrator Semmes explained that the Council would identify the Town's strengths and weaknesses.

Councilmember Littleton questioned what input the members would have from the citizenry that could be used for this exercise. Councilmember Snyder noted that he put the results of the Council's 2008 visioning session in the Middleburg Eccentric and asked for comments; however, he had not received any.

After some discussion, Councilmember Littleton agreed to look at the information that was available, as well as what had been done in the past, and to bring a recommendation back to the Council during their next work session.

#### Wayfinding and Parking Sign Colors (continued)

Mayor Davis inquired as to the status of the three hour parking limit signs. Town Administrator Semmes reported that the sample did not arrive. She confirmed they would be dark green and would simply say "3 hour limit". Ms. Semmes advised that she would bring the sample to Council once it was received.

Councilmember Miller suggested the staff use as many existing poles for the parking signs as possible so they would not clutter the sidewalks. Vice Mayor Kirk agreed.

Town Administrator Semmes reported that the Chief and the Facilities & Maintenance Supervisor have talked about installed two poles on either side of each block.

Councilmember Snyder suggested there only be one sign per block. He suggested the motorists could walk to the sign to read it.

Town Administrator Semmes reminded Council that the staff must make sure there were enough signs to make enforcement effective. She advised that the Town must give motorists legal warning.

### **Miscellaneous Discussion**

#### **Economic Development**

Councilmember Littleton reported that, two weeks ago, Punkin Lee asked him to attend the MBPA meeting. He noted that the Board had a lot of concerns and asked what the Council was doing with regard to economic development. Mr. Littleton reminded Council that the MBPA, EDAC and Council were all trying to drive economic development in town; however, they were all doing it separately, with each organization having different ideas and thoughts. He noted that the MBPA had a good budget. Mr. Littleton advised that they may want to spend money on something, which the Town would have no clue on, and for which the Town may have spent money on something that was counter. He suggested that two or three members of the three organizations be brought together, with a facilitator, to figure out what the challenges really were. Mr. Littleton opined that if everyone from each organization was asked to identify the number one economic challenge in town, there would be twenty-five different answers, all of which would be right. He suggested the need to define the problem and figure out what each group could and was willing to do. Mr. Littleton noted the need to identify near-term tactical things that could be done to address the perception that existed.

Councilmember Littleton questioned how businesses could be attracted to Middleburg and suggested this may involve everyone making phone calls once a week. He noted the need to identify ideas for the long-term. Mr. Littleton suggested the three groups be brought together to marshal their resources to put something in place. He reported that the MBPA was excited about doing this and advised that he had a facilitator who could assist.

Councilmember Littleton noted that it was one thing to set aside a Saturday to work on this; however, it was another to be impartial and do the work that would be required. He advised that the MBPA Board agreed to split the costs with the Town and noted that he told them they must do so in order to show their commitment. Mr. Littleton advised that he spoke with Councilmember Miller and EDAC Chair Bataoel about this and they were in favor of doing it. He reported that he secured a cost from a facilitator for the session, including the follow-up, and advised that it would cost no more than \$10,000. Mr. Littleton reported that the proposed facilitator had done this type of work for Old Town Alexandria, Prince Georges County and a town in Fairfax County. He noted that when the new Economic Development Coordinator came on board, he/she would be an addition to the group. Mr. Littleton expressed hope that this person would help carry forward the plans once they were put in place.

Vice Mayor Kirk questioned when this would be done and how much the Town would fund. Councilmember Littleton advised that the Town's cost would be \$5,000, with the MBPA paying the other \$5,000. He advised that there would be three stages, including a half-day session for everyone to get their heads together, two days of visioning, and an execution session that would be held a month

later. Mr. Littleton suggested the first piece be done before the Council's visioning session so the information could be provided to the Council to use in their visioning session. He advised that he would collect the information and provide it to the Council so they could understand what the group was thinking and could provide them with feedback. Mr. Littleton reiterated that there would be follow-up with a larger session.

Vice Mayor Kirk questioned whether the individuals could give the time needed to do this. Councilmember Littleton advised Council that he told them that whoever their three people were, they must commit to it, do their work and follow through. He further advised that he told them they should not get excited about this if they were not willing to commit. Mr. Littleton reported that Melanie Mathewes had offered the conference room at the National Sporting Library & Museum for it. He opined that this would be something that would live on an on-going basis, with the group getting together regularly and reporting back to the Council.

Mayor Davis questioned whether the Council needed to approve the expenditure. Councilmember Littleton suggested he draw up an official proposal, including the facilitator's proposal, and get something from the MBPA committing to doing it. He advised that he would bring that back to the next Council meeting.

### Mobility

Councilmember Littleton reported that he had reached out to the representative in charge of local governments with Microsoft about mobility and a collaboration platform. He advised that from a hardware perspective, he was dealing directly with the local Microsoft store in Tysons and from a software perspective, he was dealing with Microsoft's representative. Mr. Littleton noted that a third party integrator (contractor) would also need to be involved as Microsoft would not install it. He reported that he explained the Town's challenges. Mr. Littleton noted that the Town did not have to go with a Microsoft product. He advised, however, that they were the number one company for this for local governments. Mr. Littleton advised that their platform was Azure, which was a cloud-based solution. He noted that Loudoun and Fauquier Counties were on it; and suggested that if the Town ever wanted to connect with them, it would be smart to be on the same platform.

Councilmember Snyder suggested the Town needed to bid this out or get in on another government contract. Councilmember Littleton reported that they were pushing Surface from a hardware perspective; however, the Town could go with whatever product it wanted as they all would support Microsoft. He opined that from the integration perspective, the Town could bid the work or could piggyback on another government contract.

Councilmember Littleton noted that the price would go down based on the numbers. He reported that he asked the Town Clerk for an estimate of the number of devices needed and was told it would be seventeen – one for each member of Council and the Town employees. Mr. Littleton advised that the docking stations and other hardware for seventeen units would cost \$30,000, including \$7,000 for the warranty, through Microsoft. He reported that he priced the units online as a consumer and the cost was only \$19,000. Mr. Littleton advised that he would have a conversation with Microsoft about their quote and would get more information. He explained that the Microsoft representative would give him the names of qualified vendors who could do the platform, such as SharePoint. Mr. Littleton noted the need to figure out the Town's requirements and to put that out to bid. He advised that Microsoft would not make any money on that and explained that the reason they did so for municipalities was so they could say they provided this service for xxx municipalities across the country.

Legislation

Mayor Davis reminded Council of Ms. Murdock's request for a letter about the licensing of kennels to the County. She questioned whether they wanted the Town Clerk to draft letter that she could send. The Council agreed it did.

Councilmember Snyder advised that he also planned to send a letter to the supervisors and noted the need for them to hear from people.

Town Administrator Semmes reported that TANV (Towns Association of Northern Virginia) sent a joint letter in opposition to the wireless telecommunications bill. She noted that the bill was heard today.

Councilmember Snyder noted that Delegate Minchew's staff replied to him on a letter he sent on that issue.

**Closed Session** – Hiring of Town Attorney

Vice Mayor Kirk moved, seconded by Councilmember Daly, that Council go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(1) and (7) pertaining to the discussion, consideration or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the public body and for consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open session would adversely affect the litigating posture of the public body. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that these matters be limited to (1) the hiring of a Town Attorney and (2) consultation with legal counsel regarding Charter Technologies vs. Town of Middleburg. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that in addition to the Council, the following individuals be present during the closed session: Martha Mason Semmes, Angela K. Plowman and Martin Crim. Vice Mayor Kirk further moved, seconded by Councilmember Daly, that the Council thereafter reconvene in open session for action as appropriate.

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder

No – N/A

Abstain: N/A

Absent: N/A

(Mayor Davis only votes in the case of a tie.)

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Mayor Davis asked that Council certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting, which each member so did. She reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

*Councilmember Snyder moved, seconded by Councilmember Daly, that Council approve the legal services agreement dated February 9, 2017 with the law firm of Vanderpool, Frostick & Nishanian. Councilmember Snyder further moved, seconded by Councilmember Daly, that Martin Crim of that firm be appointed Middleburg Town Attorney to serve at the pleasure of Council in accordance with the legal services agreement and the Town Charter.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder  
No – N/A  
Abstain: N/A  
Absent: N/A  
(Mayor Davis only votes in the case of a tie.)  
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*Vice Mayor Kirk moved, seconded by Councilmember Daly, that the Town's new legal counsel proceed on the actions as Council discussed during the closed session.*

Vote: Yes – Councilmembers Kirk, Daly, Hazard, Leonard-Morgan, Littleton, Miller and Snyder  
No – N/A  
Abstain: N/A  
Absent: N/A  
(Mayor Davis only votes in the case of a tie.)  
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There being no further business, Mayor Davis declared the meeting adjourned at 9:10 p.m.

APPROVED:

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Betsy A. Davis, MAYOR

ATTEST:

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Rhonda S. North, MMC, Town Clerk